

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Blas Cerda

Application No.: 10/539,180

Confirmation No.: 2257

Filed: March 30, 2006 (erroneously listed by the Patent Office as March 20, 2006)

Art Unit: 1657

For: SIMULTANEOUS DETECTION OF
METABOLIC ENZYME ACTIVITY AND
METABOLITE LEVELS

Examiner: P. C. Martin

TRANSMITTAL OF CORRECTED TERMINAL DISCLAIMER

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

After receipt of a telephone call from Examiner Martin, Applicant hereby submits its corrected Terminal Disclaimer which corrects the filing date of Serial No. 10/539,273 to "April 19, 2006." Inasmuch as Applicant previously paid the \$65 terminal disclaimer fee submitted with the original terminal disclaimer on September 4, 2008, no fee is due at this time.

Dated: Sept. 24, 2008

Respectfully submitted,

By 

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**CORRECTED TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

NEN-23002/16

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Application No.: 10/539,180-Conf. #2257

Filed: March 30, 2006 (erroneously listed by the Patent Office as March 20, 2006)

For: **SIMULTANEOUS DETECTION OF METABOLIC ENZYME ACTIVITY AND METABOLITE
LEVELS**

The owner*, PerkinElmer LAS, Inc., of 100
percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/539,273, filed on April 19, 2006, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record, Reg. No. 50,434

Signature

Sept. 24, 2008

Date

Julie K. Staple
Typed or printed name

(734) 913-9300

Telephone Number

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.